

Home Instruction - Overview of Virginia Law

Qualifications	Academic Progress	Probationary Review	Other Provisions
<p>A parent “may elect to provide home instruction in lieu of school attendance” if:</p> <ul style="list-style-type: none"> i) He holds a high school diploma; ii) He is a teacher of qualifications prescribed by the Virginia Board of Education; iii) He provides a program of study which may be delivered through a correspondence course or distance learning program or in any other manner; or iv) He provides evidence that he able to provide an adequate education to the child. 	<p>By August 1, parents who home instruct their child(ren) must provide the division superintendent with either:</p> <ul style="list-style-type: none"> i) Evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test <u>or</u> ii) An evaluation or assessment which the division superintendent determines to indicate academic growth and progress which includes but <u>is not limited to</u>: <ul style="list-style-type: none"> a) An evaluation letter from a licensed teacher or a person with a master’s degree or higher in an academic discipline or b) A report card or transcript from a community college or college, distance learning program, or home-education correspondence school. 	<p>If evidence of academic progress is not provided by the parent, then the home instruction program may be placed on probation for one year. The parent must file evidence of the ability to provide an adequate education and a remediation plan for the probationary year.</p> <p>If the evidence and plan are accepted by the division superintendent, then the home instruction may continue for the probationary year. If the evidence and plan are not accepted, then home instruction shall not continue and the then the parent must make other arrangements.</p> <p>If evidence of academic progress for the probationary year is not provided by August 1, then home instruction shall not continue and then the parent must make other arrangements.</p>	<p>Parties aggrieved by a decision of the division superintendent may appeal within 30 days to an independent hearing officer.</p> <p>School boards shall implement a plan to notify students and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these tests. School boards must implement a plan to make these tests available to home instructed students.</p>

Code of Virginia

[§ 22.1-254.1](#). Declaration of policy; requirements for home instruction of children.

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum to be followed for the coming year and evidence of having met one of the criteria for providing home instruction as required by subsection A. Effective July 1, 2000, parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test or (ii) an evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the

probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with § [22.1-254](#). The requirements of subsection C shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § [22.1-254](#).

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall implement a plan to notify students receiving home instruction pursuant to this section and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. School boards shall implement a plan to make these examinations available to students receiving home instruction.